RESERVED

Civil Petition no. 1286 (M/S) of 2002

Laxman Devi ---------- Petitioner

Versus

District Judge Nainital and another---------- Respondents

Hon'ble M.M.Ghildiyal J.

Heard learned counsel for the parties.

The plaintiff-respondent no.2 instituted a small cause court suit no.7 of 1996 for eviction of the petitioner tenant. The said suit was decreed. The petitioner after more than 1/1/2 year filed a revision alongwith application under section 5 of the Limitation Act. The said application for condonation of delay was rejected after hearing the parties on 23.3.2002 by the District Judge, Nainital. Thereafter the petitioner moved review petition, which was also rejected by the District Judge vide his judgment dated 19.10.2002. I find no infirmity in the order.

However learned counsel for the petitioner has confined his submission to the extent that the petitioner may be permitted to vacate the premises in question within nine months and he is ready to give undertaking to this effect. the petitioner is permitted to vacate the premises immediately after expiry of nine months provided he gives an undertaking before the court below to the effect that he will vacate the premises immediately after expiry of nine months. The petitioner shall give this undertaking within a period of two months from today.

With these observations the writ petition is disposed of finally. No order as to the costs.

(M.M.Ghildiyal, J.)

February 17, 2003
MPS